

# Legislative BULLETIN

A PUBLICATION OF MAINE MUNICIPAL ASSOCIATION

Vol. XXIV No. 8

February 22, 2002

## The Time for Tax Reform is Now

The comprehensive tax reform recommendation of the Education Funding Reform Committee, packaged together as LD 2086 and LD 2087, finally clawed its way into the light of day on Tuesday this week, when the Taxation Committee opened up a public hearing on the subject to a packed committee room.

Ironically, most of the proponents, opponents and “neither for nor against” group testified with the same message....The current system of education funding, and the tax structure upon which that system relies, is a mess.

Everyone seemed to agree that there was a serious problem of property tax overburden directly associated with the Legislature’s failure to adequately fund K-12 education. The primary difference of opinion was only whether to involve the Legislature in fixing the problem or, as the tax-cap-pers would prefer, avoid the Legislature altogether.

Senator Peggy Pendleton (Cumberland Cty.), Senator Peter Mills (Somerset Cty.), MMA, the Maine Service Center Coalition, the Maine School Board Association, the Maine School Superintendents Association, and town managers, selectmen or assessors from Mechanic Falls, Troy, Knox, Vassalboro, Oakland, Levant, Saco and Stetson asked the Taxation Committee in a unified voice to make a commitment of time and effort to further develop the blue print of comprehensive tax reform, the foundation of which is found in LDs 2086 and 2087.

The common message of all the proponents was that the need for prop-

erty tax relief is acute, the time to act is now, the public policy benefits of the comprehensive reform are extensive in scope, and the leadership for change should come from the Legislature.

Carol Palesky, Arthur McDermott and several others associated with the Maine Taxpayers Action Network (MTAN) testified in opposition to the tax reform package, along with former “freedom fighter” Mary Adams of Garland, former State Senator Richard

“Spike” Carey of Belgrade, the state’s teachers’ union, the Maine State Chamber of Commerce and the Maine Pulp and Paper Association.

The essential arguments of the opponents were that the tax reform package: (1) inappropriately competes with MTAN’s citizen initiative that would cap all property tax rates at 10 mills, which may or may not be on the

*(continued on page 2)*

## Foundation of Tax Reform is EPS

A koan, or riddle, of Zen Buddhism is the imponderable question, “what is the sound of one hand clapping?”

The long-undiscovered answer appears to be: “Essential Programs and Services”.

On Thursday this week the Education Committee opened up a public hearing on LD 2103, *An Act Regarding Essential Programs and Services*.

According to the bill, Essential Programs and Services (EPS) is a funding model that calculates the reasonably necessary operational costs and some of what are now referred to as “program costs” for Maine’s 285 school administrative units. EPS is defined in LD 2103 as “the educational resources that must be provided for all students to meet the standards in the 8 content subject areas of the system of learning results.” The bill identifies which com-

ponents of a school budget would be covered by EPS and which parts of the budget would fall under other systems of state subsidy (transportation, vocational education, teacher attainment, and a set of special “adjustments” under the current GPA system such as “geographic isolation” and special education for state agency clients).

To make school subsidies much more sensitive than GPA to the special educational circumstances that affect some school systems, the bill also requires the application of as-yet-undesignated multipliers in the EPS per-pupil calculation for special education students, English as a second language students, low-income students and K-Grade 2 students.

As previously explained by Jim Watkins of the Department of Educa-

*(continued on page 3)*

## TAX REFORM (cont'd)

ballot in November 2002 depending on the outcome of a court appeal (see accompanying article); (2) contains a fatal “loophole” by establishing a property tax rate limit of 6 mills for education which is not an absolute cap because voters can appropriate more if they are willing to assess the extra appropriation just on themselves; (3) relies on the Legislature to adequately fund its share of K-12 education despite undeniable historical precedents to the contrary; (4) will inevitably lead to a uniform property tax system circa 1975; or (5) does not provide enough detail to understand impacts with any certainty.

The lobbyist for the Maine Education Association said that MEA has not had a good experience with the state’s funding level for education, and that it would take a “political miracle” for the Legislature to come up with the appropriation for K-12 education to meet the state’s obligation that would be required under LD 2086, even if specifically directed to by the voters at referendum.

The Maine Chamber of Commerce claimed that the this tax reform package would raise taxes, not shift or lower them, and true tax reform would be the complete elimination of the personal property tax. The stated position of the Chamber is that it supports increased education performance and a lower tax burden.

Among those testifying “neither for nor against” was the mayor of Bucksport, who expressed a concern

### Legislative Bulletin

A weekly publication of the Maine Municipal Association throughout sessions of the Maine State Legislature.

Subscriptions to the *Bulletin* are available at a rate of \$20 per calendar year. Inquiries regarding subscriptions or opinions expressed in this publication should be addressed to: *Legislative Bulletin*, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. Tel: 623-8428.

**Editorial Staff:** Geoffrey Herman, Kate Dufour, Kirsten Hebert, and Laura Veilleux of the State & Federal Relations staff.



*MMA's Geoff Herman leads off the testimony in support of LDs 2086 and 2087.*

about the impact on her community depending on the details of the proposed conversion of the personal property tax into a uniform excise tax. Also with neutral testimony, the assessor for the City of Bangor told the tax panel that although some elements of the tax reform package would involve some initial investment of effort and system adjustment on the part of assessors, the task was certainly do-able administratively.

Immediately after the public hearing, Sen. Ken Gagnon (Kennebec Cty.), the Senate Chair of Taxation, moved the Committee into a work session for the purpose of organizing a subcommittee of the tax panel to continue the process of developing the tax reform legislation into the best possible legislative product it can be. A prime mover of the tax reform effort, Rep. Barney McGowan (Pittsfield) was appointed as the chair of the special subcommittee. Also appointed to the tax reform subcommittee were:

- Sen. Ken Lemont (York Cty.)
- Rep. David Bowles (Sanford)
- Rep. Rosita Gagne (Buckfield)
- Rep. Janet McLaughlin (Cape Elizabeth)
- Rep. Eleanor Murphy (Berwick)
- Rep. Steve Stanley (Medway)

In a genuine demonstration of dedication to the task given it, the subcommittee met on both Wednesday and Thursday this week and got right down to work. The subcommittee also sched-

uled meetings for Tuesday through Thursday next week, to focus on such core issues as the interrelationship of tax reform and the Essential Programs and Services education funding model (see accompanying article on EPS), the details of converting personal property taxation to an excise tax system (including developing the mill rate schedule), and what the sales tax implications would be if \$300 million is shifted from the property tax to the sales tax side of the ledger.

All indications are that this subcommittee is not going to shrink from the tremendous task given to it. (GH)



*MMA President Gary Brown of Vassalboro was one of many municipal officials testifying in support of tax reform.*



*State Senator Peter Mills (Somerset Cty), a member of the Education Funding Reform Committee, testified in support of the tax reform bills.*

## Tax Cap Appeal Moves Forward

On October 15, 2001 the Maine Taxpayer Action Network (MTAN) submitted to the Secretary of State petitions with 54,000 signatures on them calling for the adoption of an absolute property tax cap of 10 mills in every town and city in Maine and the freezing of all property assessments at their 1997 level, requiring all annual increases thereafter to be no greater than the consumer price index.

The number of ballot signatures required to get that "Proposition 13" proposal before the Legislature this session and ultimately before the voters in November 2002 is 42,101.

Three weeks ago the Secretary of State announced that MTAN had not gathered enough valid signatures in order to get the measure placed before the Legislature. At the center of that decision was the invalidation of over 3,000 signatures collected by a circulator who, according to the Secretary of State, lacked the legal qualifications to circulate such a petition because that individual was either not a resident of the state or not who he represented himself to be, or both.

MTAN immediately filed an appeal of the Secretary's decision in Cumberland County Superior Court. The initial arguments with respect to

that appeal were heard on Tuesday this week and the result of that hearing is a court order that captures a mutual agreement between the two parties to remand the case back to the Secretary of State's Office for the purpose of the Secretary considering additional evidence presented by MTAN that supports the claim that the circulator in question was legally qualified to perform that function. The "order of remand" issued by the court lays out the absolute time frames that will govern this appeal. MTAN must submit all of its documentary evidence that it wishes to add to the record, along with any written arguments, to the Secretary of State before the close of the business day today, February 22, 2002. The Secretary of State has until February 28, 2002 to review that additional documentary evidence and render a subsequent decision on the sufficiency of MTAN's petition drive.

If the Secretary of State sticks with his decision that sufficient valid signatures were not provided in MTAN's petition drive, the court order lays out a crisp schedule of briefs, response briefs and oral arguments such that a final court decision on the validity of the petition drive will be rendered no later than March 21, 2002. (GH)

### *EPS (cont'd)*

tion, LD 2103 essentially creates a placeholder chapter in Maine's school law for the Essential Programs and Services model, but the final details of the model, such as the value of the basic "per-pupil guarantee" and the special-circumstance multipliers, will not be worked out until December of this year.

The State Board of Education, the Department of Education, the Maine School Management Association, a group of parents from the Greater Portland area, and MMA all spoke in favor of LD 2103. The secondary concerns about the bill expressed in the supportive testimony focused on the impact EPS will have on the state vs. local financial contribution to K-12 education.

The state's financial commitment to fund at least a fixed percentage of EPS in LD 2103 is, as might be expected, murky. There is a vague inclination suggested in what is called "unallocated" language in the back of the bill (language that will never appear in the law books) that after a ramp-up period of 5 or 6 years, the state will be assuming a 50% share of EPS. At the end of the same ramp-up period, all the school systems are supposed to have fully implemented the system of learning results, suggesting to many that the money to implement the learning results will lag significantly behind the mandate, not only as a matter of practice but as a matter of law.

This is where the sound of one hand clapping comes in. Jim Rier of the State Board of Education testified that EPS is merely a foundation upon which great improvements can be made with respect to the adequacy and equity of the state's school funding system, but standing by itself, as a mere funding model, EPS cannot be expected to achieve those goals.

The other hand to clap against EPS is tax reform, and how those two pieces of the puzzle fit together, both in time and in law, is the task that is now facing both the Taxation and the Education Committees of the Legislature. (GH)

# Tree Growth, Open Space, Easements

Throughout the week the Agriculture, Conservation, and Forestry Committee has held public hearings on LD 2096, *Resolve, to Promote the Interests of the People of Maine When Public Funds are Used to Acquire Conservation Easements*, LD 2097, *An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine* (Sponsor Rep. Monica McGlocklin of Embden), and finally, LD 1920, *An Act to Address Liquidation Harvesting* (Sponsor Senator Kilkelly of Lincoln).

These bills, respectively, take a closer look at the public benefits derived from land enrolled in the Tree Growth and Open Space “current use” tax incentive programs, and conservation easements that are being purchased by the state through the Land for Maine’s Future program.

Rep. McGlocklin was the House Chair of the Committee to Study Access to Private and Public Lands in Maine, and for that reason was the sponsor of LD 2097. One of the recommendations of the Committee was a requirement that all lands enrolled in the open space program after April 1, 2002, be accessible to the public.

Under current law, a landowner is eligible for a 20% reduction in value for merely enrolling his or her undeveloped property in the Open Space program. The open space formula further allows land that is permanently protected as open space to receive an additional 30% reduction in value, thereby dropping the property tax obligation by 50%. Yet another category of open space, “forever wild”, provides an additional 20% reduction, while providing public access to the land will give the landowner another 25% reduction. If all four conditions are placed on the property (simple enrollment, non-development, forever wild, and public access) the tax benefit to the landowner is a 95% reduction in the assessed value of the property.

The ACF Committee voted LD 2097 “ought to pass as amended” and the amendment was to remove the provision of the bill that would have required public access to Open Space property. The

rest of the bill essentially requires the Director of Maine Revenue Services to prepare biennial reports tracking the change in ownership of parcels enrolled in the Tree Growth program that are over 1,000 acres in size, which is information that is currently available through MRS. Committee members expressed concern that the current Open Space program was only protecting 49,587 acres in the organized municipalities and 21,348 in the unorganized territories and any additional requirements placed on land would be a disincentive for enrolling land in the program.

A representative of the Maine Revenue Services stated that it is not known how many of the Open Space landowners avail themselves of the additional 25% assessed value reduction for land designated as publicly accessible.

Rep. Ray Pineau (Jay) advocated that the provision requiring public ac-

cess remain in the bill. He stated that not only was this a recommendation of the Study Committee, but it was also the only element of the bill that assured public access. Rep. Paul Volenik (Brooklin) suggested the current statutory formula does not guarantee that a single acre of an Open Space parcel be accessible to the public and the proposed amendment would provide a benefit to the public that was directly related to the tax benefit received by the landowner.

MMA submitted testimony encouraging the Committee to at least reevaluate the open space formula and question whether the 20% reduction for simple enrollment and the additional 20% reduction for designating the land as “forever wild” provides more of a reduction in value than is warranted by those two performance requirements.

The Committee also heard testimony on LD 2096, *Resolve, to Promote the Interests of the People of Maine when Public Funds are Used to Acquire Conservation Easements*. This resolve would

(continued on page 5)

## State Revenues Adjusted

The roller coaster of state revenues took an upswing this week when the Revenue Forecasting Committee, a group of state agency and legislative staff economic and tax experts, reprojected state revenues and reduced the scope of the state’s current financial shortfall by \$91 million.

Compared to the last set of revenue projections, which this new reprojection replaces, sales tax revenue for the current fiscal year (FY 02) is expected to be \$27 million healthier, and \$42 million healthier in FY 03. Individual income tax revenue is expected to be up \$23 million over this biennium, as compared to the November 2001 projection, offsetting projected losses in corporate income and estate tax revenues. Although the Revenue Forecasting Committee members were cautious in their FY 02 rejections, for the most part they believe that Maine might be moving out of its recession.

Based on these rejections, municipalities stand to receive an additional \$4 million in Revenue Sharing for the biennium – above the most recent projection. Total projected Revenue Sharing distributions in FY 02 are slated for \$107.5 million and \$116.6 million in FY 03.

The next step in the process is for the Governor to submit to the Appropriations Committee a “change package” that prioritizes the use of this new-found revenue. Actually, Governor King anticipated this possibility and identified in his original budget proposal the Medicaid and other social service cuts he would like restore first with any new-found revenue. It is widely expected that there will be unanimous agreement to use at least half of the \$91 million to restore funding to the social service programs in the Department of Human Services and the Department of Behavioral and Developmental Services. There will likely be disagreements in the Legislature over what to do with remaining new revenue. From the municipal and school perspective, the appropriation of \$9 million of that money to ensure full funding of special education reimbursements for state agency clients would be the next top priority. (KD)

# Proposal Threatens Excise Tax

With an unusual level of press attention on Thursday afternoon, Secretary of State Dan Gwadosky presented to the Transportation Committee the recommendations of the Task Force to Study the Municipal Excise Tax. In addition to Secretary Gwadosky, who chaired the Committee, other members of the task force included representatives from the Maine Auto Dealers Association, Bureau of Motor Vehicles, Maine Motor Transportation Association, Maine Revenues Services, AAA and Maine Municipal Association.

Although the proposed recommendations regarding education and outreach are not problematic, MMA opposes two elements of the report that would first increase the regressivity of the excise tax and ultimately increase the burden on Maine's property tax.

Recommendation #1 of the task force report proposes to temporarily lower the "excessive" 24 mill rate on new vehicles. The temporary solution recommends adjusting the current excise tax schedule in order to have an excise tax schedule that declines more gradually and keeps municipalities "revenue neutral" for a period of time. MMA opposes this recommendation because it will push the excise tax burden towards a class of motor vehicle owners who are less financially able to pay.

No matter how you calculate it, in order to achieve the goals of adjusting the excise tax schedule and keeping municipal revenue stable, for a least a period of time, a group of automobile owners will have to pay more excise tax on an older vehicle. Those who have the financial capacity will purchase newer, high-end automobiles and pay both a sales and excise tax that reflect that ability. A person who has less financial capacity and less access to cash will purchase an older, lower-end automobile and pay sales and excise taxes to reflect that expenditure. The task force proposal will push the burden to less affluent people.

The second recommendation of the task force proposes a permanent down-

ward adjustment to the current excise tax schedule without providing a mechanism for keeping municipalities "revenue neutral". MMA opposes this recommendation because it will shift additional burden onto the property taxpayer.

According to MMA's 2001 Fiscal Survey, it is estimated that in FY 2000 municipalities statewide collected \$158 million in excise taxes and \$22.8 million in URIP (Urban/Rural Initiative Program) funds. The survey also revealed that in FY 2000 municipalities spent \$186 million to maintain and improve the nearly 14,000 miles of local roads. Although while examining the data on a statewide basis we found that for every dollar in "road related" revenue raised, municipalities collectively spent \$1.03, not all communities used the total amount of excise tax revenue collected for road purposes, nor or they expected to do so.

In Part IV, Section 19 of Maine's Constitution, revenues from fees, excise and license taxes relating to registration, operation and use of vehicle on public highways are to be expended solely for maintenance and repairs of public highways, provided that those limitations do not apply to revenue from an excise tax on motor vehicles imposed in lieu of personal property tax. The municipal motor vehicle excise tax has its roots in property taxation, and the revenue is allowed to be treated as property tax revenue according to Maine's Constitution.

The excise tax revenues collected statewide are the equivalent of 2.09 mills. That is, if not for the excise tax, the statewide property tax mill rate would be 19.95 rather than 17.86, increasing the property taxes paid on the median valued home in Maine from \$1,550 to \$1,730. The use of the excise tax as a tool for generating municipal revenue is important because it shifts the financial responsibility for paying for municipal services, including roads and public safety, from the property taxpayers to all persons who register and drive motor vehicles.

Some members of the Transportation Committee are very interested in moving both of these proposals forward. The Committee will be meeting on Monday, February 25<sup>th</sup> to draft legislation. Please take this opportunity to contact the members of the Transportation Committee and explain to them the importance of the Motor Vehicle Excise Tax to your municipalities. Members of the Senate can be reached at 1-800-423-6900. Members of the House can be reached at 1-800-423-2900. (KD)

## **TREE GROWTH (cont'd)**

create a working group that is charged with establishing the criteria for acquiring public access rights when using state funds to purchase property. As proposed, the resolve limits membership of the working group to only state agencies. Several Maine citizens testified that conservation easements benefit all the people of Maine and it would be appropriate to include a member of the public on in the working group. MMA asked the Committee to increase the membership of the working group to include municipal representation because the proliferation of conservation easements has a direct impact on the property tax.

Today (Feb. 22), the Committee will host a public hearing on LD 1920, *An Act to Address Liquidation Harvesting* (Sponsor Sen. Marge Kil Kelly, Lincoln Cty.). This bill places an element of accountability into Maine's Tree Growth Tax Law. Under the current Tree Growth Tax Law there is no official trigger that alerts municipal officials that a particular parcel of land has been changed in such as way as to effect a removal from the Tree Growth program.

LD 1920 establishes a notification process with respect to any Tree Growth land commercially harvested for the purpose of land use development. This notice would relieve municipal officials from the inefficient system of chasing down the owners of Tree Growth land after the development occurs. This amendment will allow the municipalities to have a record of the removal and will thereby expedite the process of withdrawing the developed property from the Tree Growth program. (KH)

## IN THE HOPPER

*(The bill summaries are written by MMA staff and are not necessarily the proposed bill's summary statement or an excerpt of that summary statement. A more comprehensive list of LDs (of municipal interest) that have been put in the Hopper can be found on MMA's website, [www.memun.org](http://www.memun.org))*

### **Agriculture, Conservation & Forestry**

**LD 2111 – An Act to Authorize County Extension Building Associations to Borrow Money. (After Deadline) (Sponsored by Rep. Skoglund of St. George; additional cosponsors)**

This bill would authorize the county commissioners of a county or a group of 2 counties which have created a county extension association to create a “county extension building association”. The “county extension building association”, under the direction of a board largely appointed by the county commissioners, would be authorized under this legislation to finance the purchase of county extension buildings through borrowing, bonding or otherwise.

### **Appropriations and Financial Affairs**

**LD 2120 – An Act to Authorize a General Fund Bond Issue in the Amount of \$19,300,000 to Construct and Upgrade Water Pollution Control Facilities, to Remove Discharges, to Clean up Tire Stockpiles, to Clean up Uncontrolled Hazardous Substance Sites, to Remediate Solid Waste Landfills, to Make Drinking Water System Improvements, to Address Household Hazardous Wastes and to Promote Standardization and Use of Public Geographic Data. (Governor's Bill) (Sponsored by Sen. Michaud of Penobscot County; additional cosponsors)**

This bill would send out to the voters in November 2002 a \$19.3 million bond issue for environmental purposes. Specifically, this bond proposal would include \$8 million for wastewater pollution control facilities (matching \$12.5 million in federal funds), \$1 million for overboard discharge abatement grants, \$1 million for the Small Community Grants program, \$1 million to clean up uncontrolled hazardous substance sites, \$500,000 for tire stockpile abatement, \$500,000 to remediate solid waste landfills, \$1.8 million for drinking water system improvements (matching \$6 million in federal funds), \$4 million to capitalize the GIS Library (see LD 2116), and \$1.5 million to support hazardous waste recycling programs.

**LD 2128 – An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Capitalize the School Revolving Renovation Fund for Repairs and Improvements in Public School Facilities to Address Health, Safety and Compliance Deficiencies; General Renovation Needs and Learning Space Upgrades. (Governor's Bill) (Sponsored by Rep. Saxl of Portland; additional cosponsors)**

This bill would send out to the voters in November 2002 a proposed bond issue of \$15 million to further capitalize the School Renovation and Revolving Loan Fund, bringing the state's financial commitment to the fund to the level of \$100 million, the initial state goal.

**LD 2129 – An Act to Authorize a General Fund Bond Issue in the Amount of \$43,000,000 to Improve Homeland Security in Maine, to Renovate a State Office Facility, to Build a New Correctional Facility in Machias and to Make Improvements to the Maine Correctional Center in South Windham. (Governor's Bill) (Sponsored by Rep. Bagley of Machias; additional cosponsors)**

This bill would send out to the voters in November 2002 a proposed bond issue of \$43 million for homeland security purposes

and to build correctional facilities. Potentially pertinent to municipalities, this bond issue would earmark \$10 million for the purpose of paying for capital items that would improve public safety response capability, workplace security at government and other public sites, and by conducting vulnerability surveys and security audits at “critical locations”.

**LD 2130 – An Act to Authorize a General Fund Bond Issue in the Amount of \$31,150,000 to Stimulate Job Growth in Rural Maine. (Sponsored by Sen. Michaud of Penobscot County; additional cosponsors)**

This bill would send out to the voters in November 2002 a proposed bond issue of \$31.15 million for the purpose of stimulating job growth in rural Maine. Specifically, the bond proposal would earmark \$15 million for the Maine Rural Development Authority, \$4 million to capitalize the Municipal Investment Trust Fund, \$10 million to recapitalize two economic development or recovery loan programs administered by the Finance Authority of Maine, and \$2.15 million to renovate buildings of the Schoodic Education and Research Center.

### **Criminal Justice**

**LD 2112 – An Act to Aid Fire Departments in Meeting Mandatory Reporting Requirements. (Reported by Sen. McAlevey for the Joint Standing Committee on Criminal Justice pursuant to Joint Order, S.P. 763)**

This bill would replace LD 1903 and authorize the sale of one personal computer to all municipal fire departments required to report to the State Fire Marshall's Office by the Bureau of General Services for a price not to exceed \$35.00.

### **Marine Resources**

**LD 2118 – An Act to Implement the Recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing. (Reported by Rep. Lemoine for the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing pursuant to Joint Order 2001, H.P. 1384.)**

This bill would implement the recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access. Specifically, the bill calls for a convening of state agency staff people that deal with waterfront access issues to share information regarding these issues. In addition, the bill calls for the State Planning Office to conduct a review of the structure and effectiveness of coastal management in Maine. Shoreside land use regulation, protection of public access, and protection of commercial access would be the primary focus of the SPO review.

### **Natural Resources**

**LD 2116 – An Act to Establish the Maine Public Library of Geographic Information. (Reported by Rep. Cowger for the Joint Standing Committee on Natural Resources pursuant to Resolve 2001, chapter 23.)**

This bill would establish the Maine Public Library of Geographic Information. The Library would be a central depository of electronic GIS data, established as a public and private sector gateway to public geographic information. Public geographic information is public location-based information (i.e., maps) relating to soils, vegetation, land cover, wildlife, waterbodies, land ownership, land use, land use regulations, tax assessing, surveys, aerial photographs, planning data, historic and pre-

*(continued on page 7)*

# LEGISLATIVE HEARINGS

*NOTE: You should check your newspapers for Legal Notices as there may be changes in the hearing schedule. Weekly schedules and supplements are available at the Senate Office at the State House and at the Legislature's web site at <http://janus.state.me.us/legis>. If you would like to be notified by e-mail of updates to the schedule and web page, send your name, e-mail address, and a message that includes "ANPH UPDATE" to the Senate Webmaster at [webmaster\\_senate@state.me.us](mailto:webmaster_senate@state.me.us).*

**Wednesday, February 27**

## **State & Local Government**

**Room 216, Cross State Office Bldg., 1:30 p.m.**

**Tel: 287-1330**

LD 2114 – An Act to Provide Full Utility of Retired School Buildings. (After Deadline) (Emergency) (Sponsored by Rep. Dunlap of Old Town; additional cosponsors)

**Monday, March 4**

## **Appropriations & Financial Affairs**

**Room 228, State House, 1:00 p.m.**

**Tel: 287-1635**

LD 2120 – An Act to Authorize a General Fund Bond Issue in the Amount of \$19,300,000 to Construct and Upgrade Water Pollution Control Facilities, to Remove Discharges, to Clean up Tire Stockpiles, to Clean up Uncontrolled Hazardous Substance Sites,

to Remediate Solid Waste Landfills, to Make Drinking Water System Improvements, to Address Household Hazardous Wastes and to Promote Standardization and Use of Public Geographic Data. (Governor's Bill) (Sponsored by Sen. Michaud of Penobscot County; additional cosponsors)

LD 2128 – An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Capitalize the School Revolving Renovation Fund for Repairs and Improvements in Public School Facilities to Address Health, Safety and Compliance Deficiencies; General Renovation Needs and Learning Space Upgrades. (Governor's Bill) (Sponsored by Rep. Saxl of Portland; additional cosponsors)

LD 2129 – An Act to Authorize a General Fund Bond Issue in the Amount of \$43,000,000 to Improve Homeland Security in Maine, to Renovate a State Office Facility, to Build a New Correctional Facility in Machias and to Make Improvements to the Maine Correctional Center in South Windham. (Governor's Bill) (Sponsored by Rep. Bagley of Machias; additional cosponsors)

LD 2130 – An Act to Authorize a General Fund Bond Issue in the Amount of \$31,150,000 to Stimulate Job Growth in Rural Maine. (Sponsored by Sen. Michaud of Penobscot County; additional cosponsors)

*(continued on page 8)*

## **HOPPER (cont'd)**

historic data, and economic projections. All municipalities that receive state grants for the purpose of generating GIS data would be required to provide those data to the library.

The Library would be governed by a 15-member governing board including the Commissioner of the Department of Administrative and Financial Services, the state's Chief Information Officer, two state agency representatives who are responsible for GIS functions, and representatives of: the University of Maine (1), municipalities (2), regional councils (1), county government (1), real estate and development interests (1), environmental interests (1), and public utilities (1). The duties of the Library Board include oversight of the Library, development of rules governing maintenance of the data, reduction in duplication of effort regarding GIS data development, prioritization of state funds (including grants), promotion of innovative uses of the Library, creation of partnerships to build support for the Library, resolution of disputes regarding use and maintenance of the data, and annual reporting to the Legislature.

LD 2117 – Resolve, Regarding the Legislative Review of Chapter 691, Section 3-A, Siting Restrictions for New Facilities, a Major Substantive Rule of the Bureau of Remediation and Waste Management within the Department of Environmental Protection. (Emergency) (Reported by Rep. Cowger for the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 5, section 8072.)

This resolve provides for a legislative final review of rules adopted by the Department of Environmental Protection regarding the siting of underground oil storage facilities, Chapter 691, Section 3-A, of DEP regulation.

LD 2119 – An Act Relating to Subdivision Review and Title Search Procedures. (Reported by Sen. Martin for the Joint Standing Committee on Natural Resources pursuant to Public

Law 2001, chapter 359.)

This bill would limit municipal home rule authority with respect to the definition of "subdivision". Specifically, the statutory definition of "subdivision" establishes the number of divisions of a parcel of land that trigger the definition of "subdivision", and that definition is characterized by the number of exemptions, which are divisions that do not count as divisions for varying reasons ("gift" to a relative, conveyance to abutter, subdivider's "home lot", etc.).

This bill would generally prohibit municipalities from adopting a definition of subdivision more inclusive than the state definition (reviewing more divisions than established by state law). The only circumstances that would allow a municipality to adopt a more inclusive definition (allowing, for example, a review of the "gift lots" to relatives) would be if the municipality had adopted a comprehensive plan that was "consistent" with the Growth Management Act, and also adopted a zoning ordinance consistent with a comprehensive plan, and even then the authority for the municipality to be more stringent would apply only in the designated rural areas of the municipality. In addition, the municipality would be mandated to record the more inclusive definition of subdivision in the registry of deeds and, in addition to all of these preemptive requirements, all subdivision plans prepared for recording in the registry of deeds would be required to include the pertinent municipal definition of subdivision in effect. This legislation is the result of a recommendation of the State Planning Office.

## **State and Local Government**

LD 2114 – An Act to Provide Full Utility of Retired School Buildings. (After Deadline) (Emergency) (Sponsored by Rep. Dunlap of Old Town; additional cosponsors)

This bill would allow municipalities to receive school buildings retired from school service to put to municipal use only on the condition that work done on that building is limited to repairs and minor alterations.

**HEARINGS (cont'd)**

LD 2060 – An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 to Make Public Infrastructure Improvements. (Reported by Rep. Koffman for the Joint Study Committee to Study Growth Management pursuant to Joint Order 2001, H.P. 1330)

*Tuesday, March 5*

**Agriculture, Conservation & Forestry**

**Room 206, Cross State Office Bldg., 1:00 p.m.**

**Tel: 287-1312**

LD 2111 – An Act to Authorize County Extension Building Associations to Borrow Money. (After Deadline) (Sponsored by Rep. Skoglund of St. George; additional cosponsors)

**Taxation**

**Room 127, State House, 1:00 p.m.**

**Tel: 287-1552**

LD 2110 – An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2002-2003. (Emergency) (Reported by Rep. Stanley for the Department of Audit pursuant to the Maine Revised Statutes, Title 36, section 1604)